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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

17 AMERICAN FEDERATION OF)
18 GOVERNMENT EMPLOYEES, *et al.*) Case No. 3:25-cv-1780-WHA
19)
20 Plaintiffs,) **ADMINISTRATIVE MOTION TO FILE**
21) **AGENCY LISTS OF EMPLOYEES UNDER**
22) **SEAL**
23)
24 v.)
25)
26 UNITED STATES OFFICE OF PERSONNEL) Honorable William H. Alsup
27 MANAGEMENT, *et al.*,)
28)
29 Defendants.)

Pursuant to Civil Local Rule 7-11 and 79-5(c), Defendants move to file under seal unredacted copies of the federal-employee information the Court has ordered to be filed following the entry of the preliminary injunction in this matter on March 13, 2025. *See Tr. of March 13, 2025, Hrg. at 53:13-16, 20-22, ECF No. 120.* In issuing the preliminary injunction, this Court ordered six agency Defendants to “submit a list of all probationary employees terminated on or about February 13th and 14th with an explanation as to each of what has been done to comply with this order.” *Id.* Defendants are submitting this information but are moving to file it under seal because the information contains the personal identifying information (“PII”) of federal employees that should remain confidential. Redacted copies will be filed on the public docket.

Because the information Defendants seek to seal is not being submitted in support of any argument for relief on the merits, but rather to update the Court on actions taken by Defendants following issuance of the preliminary injunction, the “good cause” standard applies. *See Ctr. for Auto Safety v. Chrysler Group, LLC*, 809 F.3d 1092, 1097 (9th Cir. 2016) (internal citations omitted). Even under the more stringent “compelling reasons” standard for sealing some information, courts in this District routinely order the sealing of third-party PII. *See, e.g., Opperman v. Path, Inc.*, No. 13-cv-453, 2017 WL 1036652, at *4 (N.D. Cal. Mar. 17, 2017) (exhibit containing “the names, email addresses, and phone numbers of non-part[ies]” provided “compelling reasons to seal [it] in its entirety”).

In this case, there is both good cause and a compelling reason to protect federal employee PII from public disclosure here. First, absent an applicable exemption, the Privacy Act protects such information from disclosure. *See 5 U.S.C. § 522a(b).* Second, the federal employees identified in the documents are not parties to this litigation and have their own privacy interests; therefore there is no need for public disclosure of their identities or their PII at this point in the proceedings. *See Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1137 (9th Cir. 2003) (recognizing the need to “protect third-party privacy interests” in “personnel records”). If sealing were denied, the names and PII of third-party employees will be exposed to public attention in this high-profile litigation. And because the Court’s order specifically requires the submission of employee PII, *see Tr. of March 13, 2025, Hrg. at 53:13-16, 20-22*, no less-restrictive alternative (such as redacting that information) is sufficient here.

CONCLUSION

Defendants respectfully request this Court grant this Motion and permit unredacted copies of the following documents to be filed under seal:

1. Ex. 1: U.S. Department of Agriculture's List of Employees
 2. Ex. 2: U.S. Department of Defense's List of Employees
 3. Ex. 3: U.S. Department of Energy's List of Employees
 4. Ex. 4: U.S. Department of the Interior's List of Employees
 5. Ex. 5: U.S. Department of the Treasury's List of Employees
 6. Ex. 6: U.S. Department of Veterans Affairs' List of Employees

DATED: March 20, 2025

Respectfully submitted,

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